

Testing Irregularities from A to Z

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2014 TEXAS ASSESSMENT CONFERENCE



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It's the Law!



It's the Law!

Texas Education Code (TEC)

Sec. 39.0301. SECURITY IN ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner:

(1) shall establish procedures for the administration of assessment instruments adopted or developed under Section 39.023, including procedures designed to ensure the security of the assessment instruments; and ...

Texas Administrative Code (TAC)

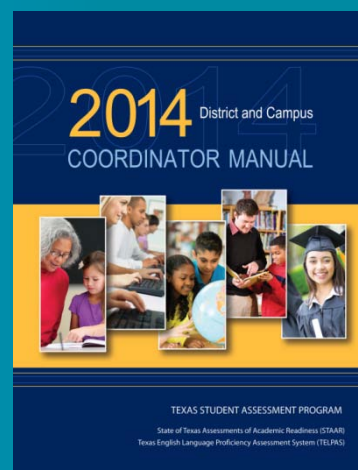
19 TAC §101.3031

(b) Test administration procedures. These test administration procedures shall be delineated in the test administration materials provided to school districts and charter schools annually. Districts and charter schools must comply with all of the applicable requirements specified in the test administration materials...

It's the Law!

Procedures for maintaining the security and confidentiality of assessments are specified in the *Test Security Supplement*, the *District and Campus Coordinator Manual*, and in the appropriate test administration materials.

Conduct that departs from the test administration procedures as established in the *Test Security Supplement*, the *District and Campus Coordinator Manual*, and test administrator manuals is considered a testing irregularity.





It's the Law!

Penalties for Violation of Security and Confidentiality of Assessments

Violation of security or confidentiality of any test required by the Texas Education Code (TEC) Chapter 39, Subchapter B, is prohibited.

A person who engages in conduct prohibited by the Test Security Supplement and in other test administration materials may be subject to a sanction of credentials. This includes any person who violates, assists in the violation of, or solicits another to participate in the violation of test security or confidentiality. Additionally, this includes any person who fails to report such a violation.



It's the Law!

Penalties for Violation of Security and Confidentiality of Assessments

Penalties for participation in a serious violation of test security or confidentiality may include the following reprimands:

- placement of **restrictions** on the issuance, renewal, or holding of a Texas teacher certificate
- issuance of an inscribed or non-inscribed **reprimand**
- **suspension** of a Texas teacher certificate
- **revocation** or cancellation of a Texas teacher certificate



It's the Law!

Penalties for Violation of Security and Confidentiality of Assessments

Release or disclosure of confidential test content is a Class C misdemeanor and could result in criminal prosecution under TEC §39.0303, Section 552.352 of the Texas Government Code, and section 37.10 of the Texas Penal Code.

In addition, any irregularities in test security or confidentiality may result in the invalidation of student results.

The superintendent and campus principal of each school district and chief administrative officer of each charter school and any private school administering the tests as allowed under TEC §39.033, must develop procedures to ensure the security and confidentiality of the tests specified in TEC, Chapter 39, Subchapter B.



Policy & Procedure Highlights

Policy and Procedure Highlights

Training Requirements:

- All district or campus personnel who participate in state-mandated testing or who handle secure test materials must meet eligibility requirements, receive annual training in test security and administration procedures, and sign an *Oath of Test Security and Confidentiality*.
- Districts allowing certified or noncertified paraprofessionals to access secure materials or to administer tests must identify a certified staff member who will be responsible for supervising these individuals.

Secure Storage Areas:

- Coordinators are required to place all secure materials in limited-access locked storage when not in use.





Policy and Procedure Highlights

Materials Security:

- District and campus coordinators are responsible for counting and verifying that all materials as listed on the contractor's packing list have been received.
- District coordinators must notify the testing contractor immediately if a discrepancy exists between packing lists and the actual inventory received.

STAAR Test Session Time Limits:

- Beginning in 2014, STAAR and STAAR Modified English I and English II assessments will have a five-hour time limit.
- All other assessments (STAAR, STAAR Spanish, STAAR L, and STAAR Modified) will have a four-hour time limit.
- The time period begins after the test administrator reads directions and tells students to begin working on their tests.



Policy and Procedure Highlights

STAAR Test Session Time Limits:

- Test administrators must use a clock or timer.
- Test administrators must communicate (orally or in writing) the amount of time left to test in one-hour intervals.
- Students must record all responses by the end of the test session time period.
- Start and stop times must be recorded on the seating chart.



Policy and Procedure Highlights

STAAR Test Session Time Limits:

- Multiple test sessions are allowed as long as the test session time limit is maintained.
- Breaks are allowed during the administration of STAAR assessments:
 - Some breaks are included in the time limit and the time clock cannot be stopped (e.g., water breaks, snack breaks, bathroom breaks, short physical or mental breaks).
 - Some breaks are NOT included in the time limit and the time clock should be stopped and restarted when the student(s) resumes testing (e.g., lunch, emergencies, movement of students, medical breaks).
 - Start and stop times must be recorded on the seating chart.



Policy and Procedure Highlights

Test Administration Windows, Flexible Scheduling, and Make-up Testing:

- Districts are provided the latitude to adjust test dates when a conflict arises for STAAR grades 3–8 and end-of-course (EOC) assessments (with the exception of STAAR and STAAR Modified grades 4 and 7 writing and the STAAR English I and II assessments). No notification to TEA is required.
- Districts may offer make-up testing opportunities for all grades and subjects to students who are absent on regularly-scheduled assessment days. Make-up testing must be completed by the end of the testing window as specified on the Calendar of Events.

Policy and Procedure Highlights

Investigating and Reporting Testing Irregularities:

- New in 2014, district officials must additionally complete the **Plan of Action** section in the Online Incident Report, specifying the steps that the district will take to prevent a reoccurrence of the irregularity.
- Information provided in district reports, particularly the **Plan of Action**, will be used by TEA in an audit of selected districts to verify that corrective actions have been implemented.



New!!



District Testing Coordinator Role



District Testing Coordinator Role

- District testing coordinators (DTCs) are the Student Assessment Division's liaison to the district.
- DTCs are directly responsible for:
 - reporting to TEA all testing violations that occur within their districts.
 - contacting TEA immediately if they become aware of any alleged or suspected serious violation.
- DTCs are also responsible for:
 - interpreting events.
 - contacting TEA if they are unsure about whether an irregularity has occurred or if they are uncertain as to whether an event constitutes a serious violation.

District Testing Coordinator Role

- DTCs are also responsible for:
 - setting up effective communication channels to ensure that irregularities or suspected irregularities are reported to them immediately.
 - establishing a good communication plan to help facilitate the successful resolution of testing issues and to minimize any negative impact these events might have on students.
 - dealing with testing violations from beginning to end.





Irregularity Types



What is an Irregularity?

- Irregularities are defined as deviations from testing procedures.
- What is not an irregularity?
 - Accidentally broken seals
 - Testing disruptions
- Categories of Irregularities:
 - SERIOUS – irregularities that constitute severe violations of test security or confidentiality and can result in the individual(s) responsible being referred to the TEA Educator Standards and Certification Legal Division for consideration of disciplinary action
 - PROCEDURAL – irregularities that are less severe and typically the result of minor deviations from testing procedures



What is an Irregularity?

Serious Irregularity Examples:

- Changing or altering an examinee's recorded response to a test item (tampering)
- Assisting an examinee, directly or indirectly, by providing, suggesting, or indicating to the student a response or answer to a secure test item (this includes identifying for an examinee an incorrect response or suggesting that the examinee review or change his or her response)
- Aiding an examinee in his or her efforts to arrive at the correct response or answer to a test item (i.e., hints, clues, assistance with calculations, etc.)
- Duplicating secure test materials or recording or capturing secure test content



What is an Irregularity?

Serious Irregularity Examples:

- Disclosing or discussing, without authorization, the contents of any portion of a secure test
- Viewing confidential test content before, during, or after an assessment unless specifically authorized to do so
- Solving or working confidential test items or scoring student responses
- Falsifying TELPAS holistic ratings or STAAR Alternate performance data
- Encouraging, coercing, or helping an individual to engage in the conduct described above
- Failing to report to an appropriate authority that an individual engaged in any of the conduct described above



What is an Irregularity?

Procedural Irregularity Examples:

- Failing to detect or prevent improper student behavior (e.g., recording responses on the wrong portion of the answer document)
- Issuing an incorrect test (English I instead of English II, STAAR instead of STAAR Modified, etc.)
- Testing ineligible students or failing to test eligible students
- Failing to provide or implement an accommodation or providing an unallowable accommodation
- Accepting a blank answer document with time still left in the test session



First Steps in Addressing Irregularities



First Steps in Addressing Irregularities

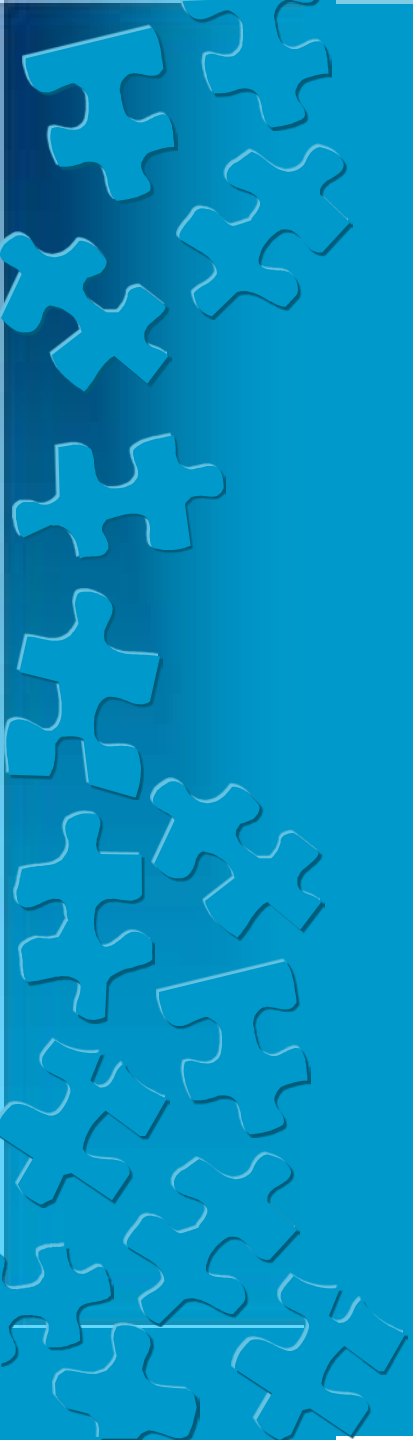
- Act quickly. All incidents should be investigated immediately in order to gather the necessary information while the individuals involved are still available and able to recall details.
- Remain objective while gathering information.
- Don't underestimate the scope of a situation. Be careful not to assume that a potential error or allegation will be limited to one individual or just the situation at hand.

The initial stages in evaluating a potential irregularity can be critical, particularly if the situation involves a possible serious violation. If preliminary information gathered suggests that a serious irregularity might have occurred, it is always wise to assume that the matter could escalate and involve legal proceedings and that the district's actions during an investigation could come under scrutiny.



First Steps in Addressing Irregularities

- If the situation involves secure test materials, ensure that a proper chain of custody is maintained to avoid any appearance of impropriety.
- Assess the situation:
 - What happened?
 - Who was involved? Could anyone else be involved?
 - Could any aspect of what is being reported be construed as a serious violation?
 - Has the event jeopardized a student's testing opportunity? Could a remedy be sought from TEA?
- Determine whether a procedural or serious irregularity has occurred.
- Notify TEA if it appears that a serious irregularity might have occurred.



How to Address **Procedural** Irregularities



How to Address Procedural Irregularities

- Gather the necessary details and assess what is being reported to determine:
 - exactly what happened;
 - who was involved; and
 - how or why the error occurred.
- Determine whether additional action is needed (contact TEA for guidance, notify parents, etc.)
- Collect the following administration information required to submit the online incident report:
 - Testing year (2014, 2013, etc.)
 - Program (STAAR, STAAR Modified, TAKS, etc.)
 - Administration month (March, April, May, etc.)
 - Grade/assessment level (grade 5, XL , EOC, etc.)
 - Subject (mathematics, reading, English I EOC, etc.)



How to Address Procedural Irregularities

- Gather the details necessary to complete the incident description in the online report. The following information must be included in the narrative:
 - The sequence of events - clearly laid out
 - An explanation of what happened and how the event occurred
 - Who was involved and the individual(s) responsible for the error(s)
 - How the problem was resolved or remedied
 - The name of the TEA staff member contacted, if applicable
 - The district determination in the matter

How to Address Procedural Irregularities

- Prepare for inclusion in the **Plan of Action** section of the online report, a description of the steps the district will put into effect to prevent the reoccurrence of the incident.
- Submit an online incident report ONLY. Any documentation that may have been collected during the investigation should be maintained locally.





How to Address **Serious** Irregularities



How to Address Serious Irregularities

Preliminary Stages

REMEMBER!

- Act quickly. Serious incidents should be investigated immediately in order to gather the necessary information while the individuals involved are still available and able to recall details.
- Remain objective while gathering information.
- Don't underestimate the scope of a situation. Be careful not to assume that a potential error or allegation will be limited to one individual or just the situation at hand.
- Notify TEA immediately.



How to Address Serious Irregularities

Other Important Considerations:

- Protect and secure all evidence including, if applicable, test materials.
- Avoid any bias or appearance of impropriety in handling any evidence.
- Consider taking steps to minimize the possibility of influenced testimony.



How to Address Serious Irregularities

Identify the Necessary Investigative Steps

- Assess the available information:
 - What is the nature of the report/allegation (e.g., a teacher was observed looking in a secure test booklet, a student is claiming that there are erasures on her answer document that she didn't make, etc.)
 - Who is or could be involved in the incident?
- Assess the potential magnitude of the violation (i.e., Does the information provided imply that there was unauthorized viewing, or is it a situation that could involve tampering?)



How to Address Serious Irregularities

Identify the Necessary Investigative Steps

- Collect and submit the following minimum information if it is determined that additional investigative steps are not necessary:
 - A detailed summary of the allegation(s) [including a timeline of events]
 - Typed, signed, and dated statements from the individual(s) involved
 - The district's findings
 - A clear district determination (including the disposition of any involved students' tests/scores)



Investigating Serious Irregularities

Investigating Serious Irregularities

Plan Ahead:

- Who needs to be notified of and involved in the investigation?
- Consider any existing district policies regarding interviewing students and/or district personnel.
- Based on the information available, who needs to be interviewed and in what order? What roles did the involved individuals play?





Investigating Serious Irregularities

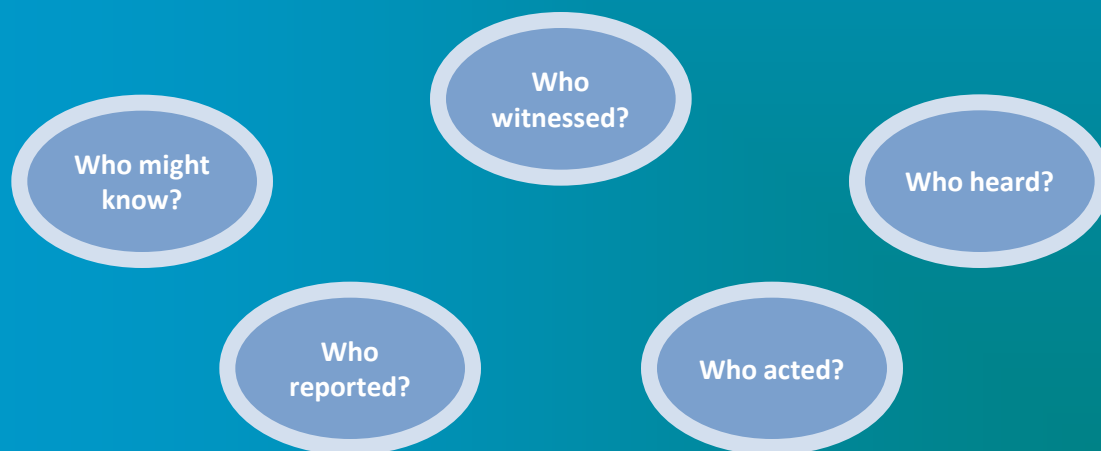
Plan Ahead:

- Identify how the interviews will be documented – TEA's preference is that districts record all interviews and transcribe them verbatim.
- Identify who will conduct interviews. When selecting participants, consider the following:
 - At least one of the interviewers should have assessment experience.
 - Participants should not be involved in the alleged incident so that accusations of bias are avoided.
 - During student interviews, make efforts to ensure accurate and reliable testimony by including personnel who are respected by and have a rapport with the students.

Investigating Serious Irregularities

Plan Ahead:

- Determine in advance what questions will be asked of the involved individuals (prepared questions should serve as a framework – follow-up questions may be appropriate and necessary at any time.)





Investigating Serious Irregularities

Plan Ahead:

- Consider the following when preparing interview questions. Questions should be:
 - tailored -- based on who will be interviewed (i.e., adults and/or students.)
 - tailored to correspond with the nature of the allegation(s).
 - objective and non-leading. Consider starting with general open-ended questions, then narrowing the focus to the issue(s) at hand.
 - sufficiently comprehensive to address all of the allegations.
 - specific enough to substantiate or refute the allegation.



Investigating Serious Irregularities

Plan Ahead:

- Additional considerations when preparing interview questions for students:
 - Consider the age of students to be interviewed (questions should be age-appropriate.)
 - Consider asking younger children some “baseline” questions (i.e., “How did testing go? How was testing different this year from last year?”)
 - Ask students about their test-taking practices (i.e., circling responses in the test booklet before recording them on the answer document.)
 - Ask students how they mark their answers, whether they remember making corrections, and what those corrections would look like.



Investigating Serious Irregularities

Conduct Interviews and Evaluate Testimony:

- During and after interviews, consider the following:
 - Interview students and adults individually.
 - Take steps to ensure that the involved individuals do not influence each other's testimony.
 - Follow up to reconcile individuals' testimonies and resolve unaddressed or unanswered questions and discrepancies.
 - Document all follow-up questions.
 - Ensure that interviewees' responses are accurately recorded, verbatim.
 - Assess the credibility of the testimony collected.



Investigating Serious Irregularities

Document the Investigative Findings:

- For all serious irregularities, the following minimum information must be included in the district's report:
 - A detailed summary of the allegation(s) [including a timeline of events]
 - Typed, signed, and dated statements from the individuals involved
 - The district's findings
 - A clear district determination (including the disposition of any involved students' tests/scores)



Investigating Serious Irregularities

Document the Investigative Findings:

- The following information must be provided if collected or evaluated in the course of the district's investigation:
 - All interview transcripts or narratives
 - Any physical evidence collected
 - Any district analyses of student performance
 - Seating charts
 - Materials Control Forms and any other materials tracking documents used



Reporting Process



Reporting Process

- All testing irregularities, serious and procedural, must be reported through the submission of a Student Assessment Division online incident report within TEN days of the DTC becoming aware of the potential violation. Contact the Student Assessment Division security team if more time is needed.
- In some cases, TEA may require the submission of an online incident report in order to track certain other incidents that were not precipitated by an adult error (e.g., a student was able to photograph secure test content without being detected and posted the content on Instagram.)



Reporting Process

Tips for Ensuring a Successful Online Submission:

- Ensure that your DTC contact information is correct in TEA's AskTED system.
- Be aware that the online incident report will time out if left idle for awhile.
- Review all documentation and/or information in advance and address any discrepancies.
- Using your preferred word processing application (i.e., Notepad), prepare in advance the narrative you intend to submit as the incident description in the online report. This will allow you to simply cut and paste the text into the required field. Keep in mind that the description field allows a maximum of 2000 characters.



Reporting Process

Tips for Ensuring a Successful Online Submission:

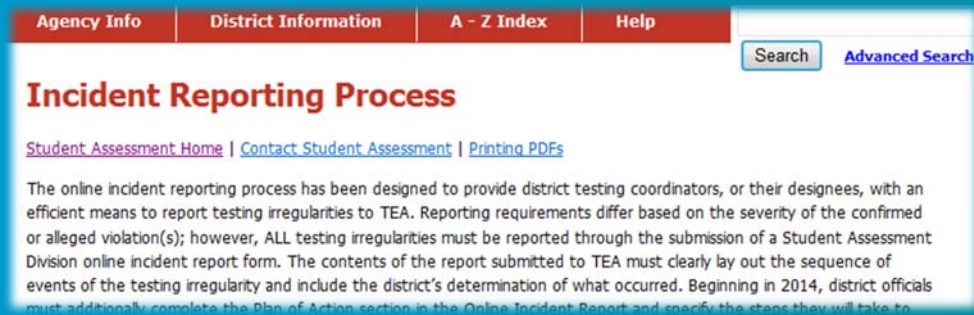
- If attaching documentation for a serious incident, scan the documentation into an electronic format (Adobe PDF is the preferred format.) The attachment feature in the online form allows for three separate files of less than 10MB to be attached. (TEA prefers that files be combined into a single attachment, if possible.)
- If when submitting your report you do not receive the confirmation screen, contact the Student Assessment security team for confirmation of whether the report was actually submitted.

PLEASE DO NOT RE-SUBMIT REPEATEDLY!

Reporting Process

Submitting an Online Incident Report:

1. Access the Online Incident Reporting Process page on the TEA Student Assessment Division website at:
<http://www.tea.state.tx.us/student.assessment/security/incidents/>



The screenshot shows the TEA Student Assessment Division website. The top navigation bar includes links for Agency Info, District Information, A - Z Index, and Help. A search bar with a 'Search' button and a link to 'Advanced Search' is also present. The main heading is 'Incident Reporting Process'. Below this, there are links for 'Student Assessment Home', 'Contact Student Assessment', and 'Printing PDFs'. The text describes the online incident reporting process, stating it is designed for district testing coordinators to report testing irregularities to TEA. It mentions that reporting requirements differ based on the severity of the confirmed or alleged violation(s), but all testing irregularities must be reported through the submission of a Student Assessment Division online incident report form. The contents of the report must clearly lay out the sequence of events of the testing irregularity and include the district's determination of what occurred. Beginning in 2014, district officials must additionally complete the Plan of Action section in the Online Incident Report and specify the steps they will take to

Online Incident Report Form

To report a testing irregularity, click on the link below.

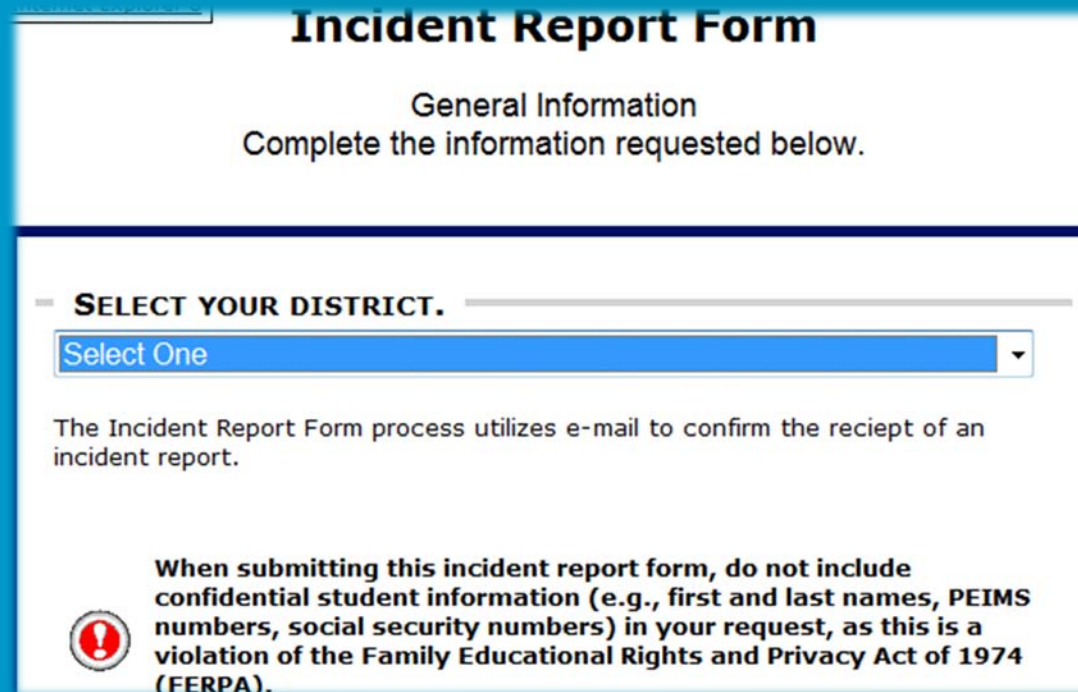
[Online Incident Report Form](#) (external link)

Upon completion of the online form, the district test coordinator will receive confirmation that their report has been accepted, and an incident identification number will be issued for tracking purposes. If districts encounter difficulty using the Online Incident Report Form or need to update information once a report has been submitted, they should contact the Student Assessment security team and reference the incident identification number.

Reporting Process

Submitting an Online Incident Report:

2. Select your district from the drop-down menu.




Incident Report Form

General Information
Complete the information requested below.

SELECT YOUR DISTRICT.

Select One

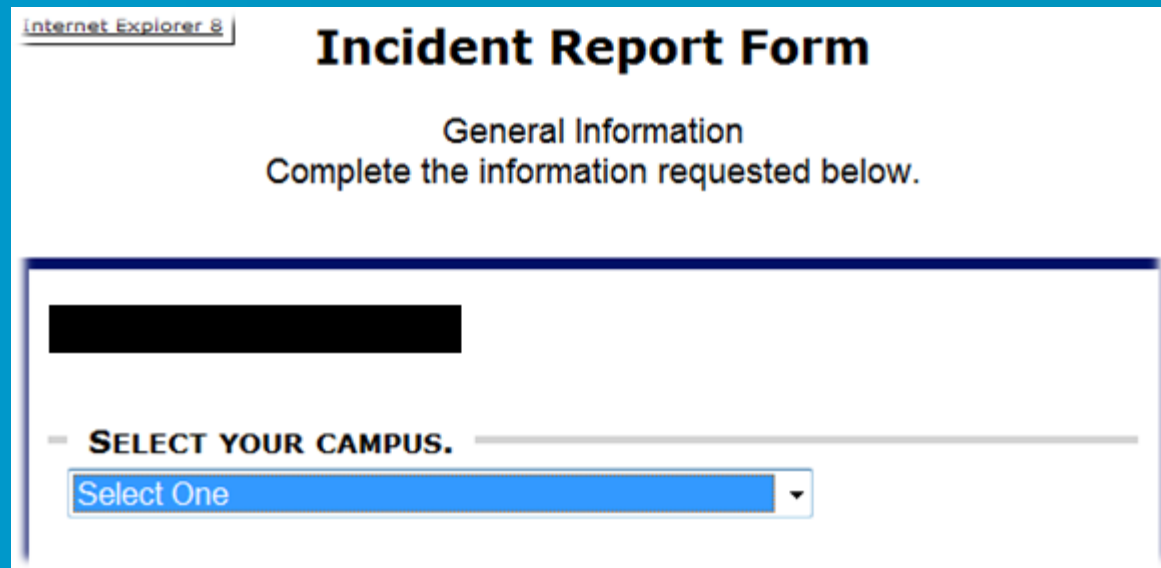
The Incident Report Form process utilizes e-mail to confirm the receipt of an incident report.

 When submitting this incident report form, do not include confidential student information (e.g., first and last names, PEIMS numbers, social security numbers) in your request, as this is a violation of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Reporting Process

Submitting an Online Incident Report:

3. Select your campus from the drop-down menu.



The screenshot shows a web browser window titled "Internet Explorer 8" displaying the "Incident Report Form". The form has a section titled "General Information" with the instruction "Complete the information requested below." Below this, there is a black rectangular redaction box. Underneath the redaction, the text "SELECT YOUR CAMPUS." is followed by a horizontal line. Below this line is a blue drop-down menu with the text "Select One" and a small downward arrow on the right side.

Reporting Process

Submitting an Online Incident Report:

4. Choose "Yes" to identify yourself as the district coordinator.

Internet Explorer 8

Incident Report Form

General Information
Complete the information requested below.

[Redacted]

— **SELECT YOUR CAMPUS.** —

[Redacted] [Blue bar with dropdown arrow]

Is the caller the district testing coordinator?

☐ Yes ☐ No


Reporting Process

Submitting an Online Incident Report:

5. Choose "Yes" or "No" to identify whether the report you are making is or is not for a serious irregularity.

Is the caller the district testing coordinator?
☒ Yes ☐ No

DETERMINE INCIDENT TYPE (SEVERE OR PROCEDURAL)

 Serious irregularities can result in a referral to Educator Certification and Standards and require additional documentation.

Does the incident being reported fall into any of the following categories?

- Directly OR indirectly assisting students with responses to test questions
- Tampering with student responses
- Falsifying TELPAS holistic ratings or STAAR Alternate student performance data
- Viewing secure test content before, during, or after an administration or viewing STAAR Alternate performance data during or after an assessment (unless specifically authorized to do so by the procedures outlined in the test administration materials)
- Discussing secure test content, student responses, or student performance
- Duplicating, recording, or capturing electronically secure test content without permission from TEA
- Scoring student tests, either formally or informally

☒ Yes ☐ No

Reporting Process

Submitting an Online Incident Report:

6. Complete the required information in the report form.

Incident Report Form

Provide the information requested below. Required fields are highlighted in yellow. Place the mouse cursor over the ⓘ if you would like to see additional information.

INCIDENT INFORMATION

ⓘ This incident must be reported to TEA Security Team and approved by the District Testing Coordinator. Once you begin making selections, some options will become unavailable. To reset all selection options, click the "Reset Selections" button above.

CONTACT INFORMATION

District: [Redacted]
County/District/Campus Number: [Redacted]
Campus: [Redacted]
Telephone: [Redacted]

SUBMITTER (CALLER NAME)

First Name: [Redacted]
Last Name: [Redacted]
Title: District Testing Coordinator
Phone: [Redacted] ext. [Redacted]
Email: Internal TEA

DISTRICT TESTING COORDINATOR

First Name: [Redacted]
Last Name: [Redacted]
Title: District Testing Coordinator
Phone: [Redacted]
Email: [Redacted]

Testing Year: 2014
Month of Administration: Select One
Program: Select One
Assessment Level: Select One
Subject: Select One or More
English Language Arts
Mathematics
Science
Social Studies
Reading
Writing
Listening
To select multiple subjects, hold down the "Ctrl" key ("apple" key on Macs)

Date Incident Occurred: [Redacted]

Description of the incident(s). Character Count 0 (Max. 2000 characters)

The description of the incident(s) must include:
1. where and when the event occurred
2. who was involved
3. what happened
4. a district determination of how and why it happened
5. how it was resolved

Plan of Action. Character Count 0 (Max. 2000 characters)

INDIVIDUAL(S) INVOLVED ⓘ

Please identify the individual(s) responsible for the irregularity. Do not include students' names.

— Add Another Involved Individual —

First Name: [Redacted]
Last Name: [Redacted]
Position: [Redacted]
Role During Testin: Select One
Delete me

IF YOU HAVE CONTACTED A TEA REPRESENTATIVE REGARDING THIS INCIDENT, PLEASE PROVIDE THE CONTACT'S NAME AND THE DATE WHEN YOU SPOKE WITH THEM.

Date of Contact: [Redacted]
Name: [Redacted]

Reporting Process

Submitting an Online Incident Report:

7. Attach supporting documentation (serious violations.)




The screenshot shows a web form titled "SUPPORTING DOCUMENTATION" with a help icon. It contains an "Add Attachment" button, a note "(If you are not attaching files, please leave blank.)", a text input field labeled "filename_1", a "Browse..." button, and a "Delete me." button.

If you choose not to attach files, all supporting documentation can be submitted by e-mail to testsecurity@tea.state.tx.us. With each set of documentation attached to an e-mail, be sure to include in the subject line the incident identification number provided to you upon completion of the online submission.

Reporting Process

Submitting an Online Incident Report:

8. Record the incident identification number or print the confirmation page that displays it.



Incident Report Confirmation

This page confirms that you have completed the online incident report process. A confirmation email that includes your incident identification number has been sent to the [REDACTED] [REDACTED] district testing coordinator and to the submitter's email address (if provided). Any future correspondence regarding this incident should include the identification number for reference.

The identification number for this incident is: 121114116-031504001

CONTACT INFORMATION

District: [REDACTED]
County/District/Campus Number: [REDACTED]
Campus: [REDACTED]

SUBMITTER

First Name: test
Last Name: test
Title: District Testing Coordinator
Phone: (123) 456 - 7890
Email: [REDACTED]

CAMPUS TEST COORDINATOR

First Name: [REDACTED]
Last Name: [REDACTED]
Title: [REDACTED]
Phone: [REDACTED]

INCIDENT INFORMATION

Administration(s):
2012 - STAAR - December - EOC - Algebra I

Date Incident Occurred: 12/1/12

Description



Final Steps



Final Steps

- Evaluate how the irregularity occurred and consider the following:
 - Are there any measures (or additional measures) that could be put into place to help prevent the error(s) from happening again?
 - Are there any processes that can be implemented to help avoid future errors?
 - Was the training provided to the involved individual(s) sufficient? Should the involved individual(s) be retrained? Does the campus need to be retrained?
 - Is there anything that can or needs to be done to help students who might be or were affected by the error(s)?

The above points are some of the considerations to take into account when developing a Plan of Action.

Final Steps

- All testing irregularity and investigation documentation must be retained in a secure location for five years.



Questions?

